

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARY E. SHEPARD and the ILLINOIS)
STATE RIFLE ASSOCIATION,)
Plaintiffs,)
-vs-) No. 11-405
LISA M. MADIGAN, solely in her official)
capacity as ATTORNEY GENERAL OF)
ILLINOIS, GOVERNOR PATRICK J.)
QUINN, solely in his official capacity as)
Governor of the State of Illinois,)
TYLER R. EDMONDS, solely in his)
official capacity as the State's Attorney)
of Union County, Illinois, and SHERIFF)
DAVID LIVESAY, solely in his official)
capacity as Sheriff of Union County,)
Defendants.)

**MOTION FOR LEAVE TO CONDUCT DISCOVERY AND MOTION FOR EXTENSION
OF TIME TO RESPOND TO FEE PETITION AND BILL OF COSTS**

COME NOW the defendants, Lisa Madigan, in her official capacity as Attorney General of the State of Illinois, Governor Patrick Quinn, and Tyler R. Edmonds, by and through their counsel, LISA MADIGAN, Attorney General of the State of Illinois, and hereby request leave of this Court to conduct discovery and further request an extension of time pursuant to Rule 6(b) of the Federal Rules of Civil Procedure to respond to the fee petition filed by plaintiff's attorneys and the bill of costs. In support thereof, the following statements are made.

1. On May 13, 2011, plaintiffs filed the instant complaint claiming a constitutional violation and requested, *inter alia*, attorneys fees.
2. Defendants, Madigan and Quinn, filed a motion to dismiss on July 22, 2011.

See Document ##26, 27.

3. No discovery schedule was ever made by the parties and no scheduling order in this case was entered.

4. On March 30, 2012, this Court dismissed the complaint for failure to state a claim upon which relief could be granted. See Document #57.

5. Plaintiffs filed an appeal On April 2, 2012. See Document #58.

6. The Seventh Circuit Court of Appeals reversed the dismissal and remanded the case to the district court. See Document #72.

7. Plaintiff requested additional relief, but this was denied by the district court, and plaintiff appealed. See Document ##75, 86, 89, 91.

8. Plaintiffs have now filed a motion for attorneys' fees in excess of \$627,000; expenses in excess of \$12,000; and costs of nearly \$800.

9. No discovery was ever conducted by the defendants on the matter of attorneys' fees.

10. The supporting documentation provided by plaintiffs raises several questions about their billing practices.

11. Defendants have an obligation to the taxpayers of the state of Illinois, to conduct discovery to determine the reasonableness of the plaintiffs' counsels' claims of entitlement to fees and costs.

12. Defendants request that they be allowed to conduct some discovery limited to interrogatories and, if necessary, depositions of plaintiffs' counsel on the issue of fees and costs and request at least ninety (90) days in which to complete the discovery and respond to the fee petition and bill of costs.

13. Defendants would be prejudiced, if they are not allowed to conduct discovery.
14. This motion is not made for the purpose of delay, but is made to adequately defend the fee petition and bill of costs.

WHEREFORE for the above and foregoing reasons, defendants, Lisa Madigan, in her official capacity as Attorney General of the State of Illinois, Governor Patrick Quinn, and Tyler R. Edmonds, respectfully request this honorable Court to grant them leave to conduct discovery and extension of at least ninety (90) days in which to respond to the fee petition and bill of costs.

Respectfully submitted,

LISA MADIGAN, PATRICK QUINN, and TYLER
R. EDMONDS,
Defendants,

LISA MADIGAN, Attorney General,
State of Illinois,
Attorney for Defendants.

By: /s/Karen L. McNaught
Karen L. McNaught #6200462
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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2014, I electronically filed Defendants' Motion to Dismiss with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that on January 6, 2014, I mailed by United States Postal Service, the document to the following nonregistered participant:

None

Respectfully submitted,

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